

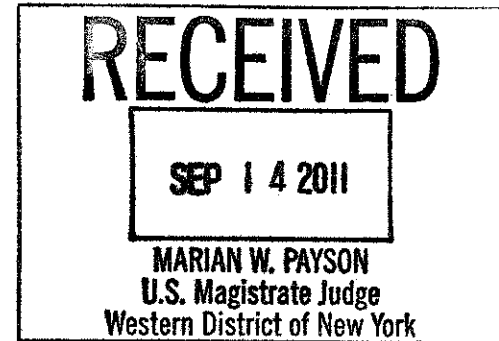
Thomas & Solomon LLP
THE EMPLOYMENT ATTORNEYS

September 14, 2011

VIA FACSIMILE & U.S. MAIL

Honorable Marian W. Payson
United States District Court
Western District of New York
2120 U.S. Courthouse
100 State Street
Rochester, New York 14614

Re: Patrick Tracy v. NVR, Inc.
Civil Action No: 04-CV-6541 DGL



Dear Judge Payson:

Plaintiffs write today in reference to the Court's Scheduling Order regarding defendant's Motion for Sanctions (Dkt. No. 624), entered today in the above-referenced matter. Dkt. No. 630. Because defendant refused to consent to plaintiffs' extension request, plaintiffs timely filed their response yesterday evening, without an extension of time. See Dkt. Nos. 627 and 628.

Since plaintiffs have timely filed their response, plaintiffs withdraw their request for an extension of time to respond to defendant's Motion for Sanctions. Plaintiffs respectfully request this Court to reinstate the original Scheduling Order pursuant to L.R. Civ. P. 7, directing defendant to file a reply by Tuesday, September 20, 2011. Alternatively, plaintiffs request to file a sur-reply in further opposition to defendant's Motion.

If this request meets Your Honor's approval, a So Ordered line has been placed below for the Court's convenience.

Respectfully submitted,


Jayme L. Feldman

cc: Barry Miller, Esq. (via e-mail)

Requests denied.
so ordered.
Marian W. Payson
U.S. Magistrate Judge
9/19/11